

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Before the Board of Patent Appeals and Interferences**

In re Patent Application of

NIGHTINGALE

Atty. Ref.: JRL-550-510

Serial No. 10/764,495

TC/A.U.: 2128

Filed: January 27, 2004

Examiner: Alhija, Saif A.

For: APPARATUS AND METHOD FOR PERFORMING HARDWARE AND  
SOFTWARE CO-VERIFICATION TESTING

\* \* \* \* \*

August 4, 2011

**Attn: Board of Patent Appeals and Interferences**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**Re Appeal No. 2009-002116**

Sir:

**REQUEST TO RESCHEDULE ORAL HEARING**

In response to the Notice of Hearing mailed August 1, 2011, Appellant's undersigned representative respectfully requests that the Oral Hearing in Appeal No. 2009-002116 scheduled for Thursday, September 8, 2011, be rescheduled.

Upon receipt of the "Notice of Hearing," Appellant's undersigned representative checked his calendar and the undersigned will be away on previously scheduled travel on September 8, 2011. Confirmation of the travel arrangements for this previously-scheduled trip was received prior to the mailing of the Notice of Hearing.

Pursuant to the Clerk's instructions, Appellant encloses herewith the Notice of Hearing form signed and dated, but without checking "hearing attendance confirmed" or "hearing attendance waived" since Appellant intends to attend the Oral Hearing when it is appropriately rescheduled. In the event that a telephone discussion with the Clerk will facilitate the PTO's

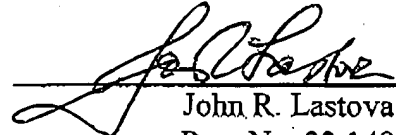
Serial No. 10/764,495

rescheduling of the hearing, the Clerk is respectfully requested to contact Appellant's undersigned representative.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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